

1 **ALBERT F. COOMBES, ESQ. SBN 60861**  
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6 **Pro Se Defendant**

7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**

9 **CHRISTINE CHANG,**  
10 **individually and as Guardian Ad**  
11 **Litem for ERIC SUN, disabled,**

12 **Plaintiffs,**

13 **vs.**

14 **ROCKRIDGE MANOR**  
15 **CONDOMINIUM et al.**

16 **Defendants.**

**No. C 07 4005 EMC**

**[PROPOSED] ORDER GRANTING**  
**DEFENDANT'S MOTION TO**  
**DISMISS PURSUANT TO FRCP**  
**12(b)(1) and 12(b)(6)**

**(Docket No. 130)**

**Date: 4/22/08**  
**Time: 10:30 a.m.**  
**Courtroom: C**

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19 The motion of pro se defendant ALBERT COOMBES for an order dismissing the  
20 plaintiffs' First Amended Complaint pursuant to FRCP 12(b)(1) and 12(b)(6) came on for  
21 hearing on April 22, 2008. Both defendant, Albert Coombes and plaintiff, Christine  
22 Chang, appeared in propria persona. Plaintiff Eric Sun appeared through his Guardian  
23 Ad Litem \_\_\_\_\_.

24 The Court, having read and considered the motion and supporting papers,  
25 opposition papers and oral argument and good cause appearing:

26 **IT IS HEREBY ORDERED:**

27 Defendant's Motion to Dismiss is GRANTED, in its entirety, without leave to  
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**PROPOSED ORDER GRANTING DEFENDANT'S**  
**MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED**  
**COMPLAINT PURSUANT TO FRCP 12(b)(1) & (6)**

1 amend, on the following grounds:

- 2 1. The fraud and misrepresentation cause of action is without merit as  
3 plaintiffs' First Amended Complaint is devoid of facts sufficient to state  
4 such a cause of action.
- 5 2. The abuse of process cause of action does not need to be addressed since  
6 it was dismissed with prejudice by the Court when it granted defendant's  
7 First Motion to Dismiss on February 13, 2008. [Docket 110.]
- 8 3. Pursuant to 28 U.S.C. 1367(c)(3) the Court declines to continue to  
9 exercise supplemental jurisdiction over plaintiffs' claims because it has  
10 dismissed all claims over which it has original jurisdiction.

11 **IT IS SO ORDERED.**

12 DATED: April \_\_\_\_\_, 2008

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15 EDWARD M. CHEN  
16 United States Magistrate Judge  
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**PROPOSED ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED  
COMPLAINT PURSUANT TO FRCP 12(b)(1) & (6)**